

United States District Court
for the
Eastern District of Washington

FILED IN THE
 U.S. DISTRICT COURT
 EASTERN DISTRICT OF WASHINGTON

Dec 19, 2018

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Robert James Barbee

Case Number: 0980 2:12CR00007-FVS-1

Address of Offender: [REDACTED] Avenue, Yakima, Washington 98902

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle, Senior U.S. District Judge

Date of Original Sentence: July 11, 2013

Original Offense: Failure to Register, 18 U.S.C. § 2250(a)

Original Sentence: Prison - 24 months; TSR - 36 months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Matthew F. Duggan Date Supervision Commenced: September 24, 2018

Defense Attorney: John H. Loeffler Date Supervision Expires: September 23, 2021

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1

Special Condition #17: You shall actively participate and successfully complete an approved state-certified sex offender treatment program. You shall follow all lifestyle restrictions and treatment requirements of the program. You shall participate in special testing in the form of polygraphs, in order to measure compliance with the treatment program requirements. You shall allow reciprocal release of information between the supervising officer and the treatment provider. You shall pay for treatment and testing according to your ability.

Supporting Evidence: On December 4, 2018, Mr. Barbee failed to actively participate in and successfully complete an approved state-certified sex offender treatment program.

Mr. Barbee's conditions were reviewed with him on September 27, 2018. He signed his conditions acknowledging an understanding of his conditions which includes special condition number 17, as noted above.

Mr. Barbee participated in sex offender specific treatment while incarcerated with the Washington State Department of Corrections (DOC) for approximately 9 months to 1 year. Mr. Barbee was released from DOC custody on September 24, 2018, and began weekly aftercare treatment with Ken Schafer and Associates (Ken) on November 6, 2018.

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Mr. Barbee was last seen by Ken on November 27, 2018, and during that visit he was informed his next appointment was on December 4, 2018.

On December 4, 2018, Mr. Barbee failed to report to Ken as scheduled and as of the date of this petition, has not rescheduled the appointment.

2 **Standard Condition #2:** The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer.

Supporting Evidence: On December 7, 2018, Mr. Barbee failed to report to the United States Probation Office as directed by his assigned probation officer.

Mr. Barbee's conditions were reviewed with him on September 27, 2018. He signed his conditions acknowledging an understanding of his conditions which includes standard condition number 2, as noted above.

On September 27, 2018, Mr. Barbee reported to the United States Probation office for an initial intake. During that visit he was instructed to report to the probation office within the first 5 business days of every month.

On December 7, 2018, Mr. Barbee failed to report to the probation office as directed. Also on this date, the undersigned spoke with a housemate from the clean and sober home at which Mr. Barbee was residing. The housemate stated he had not seen Mr. Barbee at the residence for approximately 2 weeks. Also on this date, the undersigned attempted to call Mr. Barbee at his primary phone number and left a message requesting a return call.

As of the date of this petition, Mr. Barbee has not reported to nor attempted to contact the probation office and his current whereabouts is unknown.

3 **Special Condition #18:** You shall live at an approved residence, and shall not change your living situation without advance approval of the supervising officer.

Supporting Evidence: On or about December 7, 2018, Mr. Barbee failed to reside at his approved residence in Yakima, Washington, and failed to attain advanced approval from his assigned probation officer to change his residence.

Mr. Barbee's conditions were reviewed with him on September 27, 2018. He signed his conditions acknowledging an understanding of his conditions which includes special condition number 18, as noted above.

On September 26, 2018, Mr. Barbee's assigned probation officer completed an initial home inspection at a clean and sober home located in Yakima, Washington; this residence was approved.

On December 5, 2018, Mr. Barbee's assigned probation officer received an email from Mr. Barbee's assigned DOC Community Corrections Officer (CCO) which stated the CCO issued a DOC warrant due to Mr. Barbee not returning to his approved Yakima, Washington, residence since December 3, 2018.

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On December 7, 2018, after Mr. Barbee failed to report to the probation office, the undersigned spoke with a housemate at the residence Mr. Barbee was residing in Yakima, Washington. The housemate stated he had not seen Mr. Barbee at the residence for approximately 2 weeks and he did not know if he would return.

Mr. Barbee did not seek advanced approval from his assigned probation officer to move from his approved residence.

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Special Condition # 22: You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On December 11, 2018, Mr. Barbee failed to submit to urinalysis testing as directed by his probation officer.

Mr. Barbee's conditions were reviewed with him on September 27, 2018. He signed his conditions acknowledging an understanding of his conditions which includes special condition number 22, as noted above.

On September 27, 2018, Mr. Barbee reported to the United States Probation office for an initial intake. During that visit he was placed on a daily telephonic urinalysis (UA) testing program and was given a specific color code "brown." Mr. Barbee was instructed to report to the probation office on the days his color was called to provide a UA.

On December 11, 2018, Mr. Barbee's color "brown" was called and he failed to report to the probation office as instructed.

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Special Condition #19: You shall register as a sex offender, according to the laws of the state in which you reside, are employed, or are attending school. You shall provide verification of compliance with this requirement to the supervising officer.

Supporting Evidence: On or about December 13, 2018, Mr. Barbee failed to register as required by state law.

Mr. Barbee's conditions were reviewed with him on September 27, 2018. He signed his conditions acknowledging an understanding of his conditions which includes special condition number 19, as noted above.

On December 5, 2018, Mr. Barbee's assigned probation officer received an email from Mr. Barbee's assigned Washington State CCO which stated the CCO issued a DOC warrant due to Mr. Barbee not returning to his last registered address in Yakima, Washington, since December 3, 2018.

On December 7, 2018, after Mr. Barbee failed to report to the probation office, the undersigned spoke with a housemate at the residence Mr. Barbee was residing in Yakima, Washington. The housemate stated he had not seen Mr. Barbee at the residence for approximately 2 weeks and he did not know if he would return.

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On December 13, 2018, the undersigned spoke with a housemate from the residence at which Mr. Barbee was residing in Yakima, Washington. The housemate stated Mr. Barbee had not returned to the residence since he left.

The undersigned confirmed with a staff member at the Yakima County Sheriff's office (YSO) that sex offenders have 3 days to register a new address from the time they stop staying at the last known address. Mr. Barbee registered the last known and approved Yakima, Washington, address on September 24, 2018 and has not registered another address since then.

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Special Condition #14: You shall complete a mental health evaluation and follow any treatment recommendations of the evaluating professional which do not require forced or psychotropic medication and/or inpatient confinement absent further order of the Court. You shall allow reciprocal release of information between the supervising officer and treatment provider. You shall contribute to the cost of treatment according to your ability to pay.

Supporting Evidence: On December 17, 2018, Mr. Barbee failed to follow treatment recommendations from Central Washington Comprehensive Mental Health (CWC MH).

Mr. Barbee's conditions were reviewed with him on September 27, 2018. He signed his conditions acknowledging an understanding of his conditions which includes special condition number 14, as noted above.

On October 19, 2018, Mr. Barbee completed a mental health evaluation with CWC MH. It was recommended he begin weekly outpatient (OP) treatment. Mr. Barbee was last seen by his counselor at CWC MH on November 20, 2018. He was scheduled to meet with his counselor next on November 27, 2018; however, Mr. Barbee canceled that appointment claiming he wanted a new counselor. CWC MH scheduled him for December 17, 2018, with a new counselor.

On December 17, 2018, Mr. Barbee failed to report to CWC MH as scheduled and as of the date of this petition, has not rescheduled the appointment.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring Robert James Barbee to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/17/2018

s/Jonathan Barcom

Jonathan Barcom
U.S. Probation Officer

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THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- Other



Signature of Judicial Officer

December 19, 2018

Date